

**STATE OF NORTH DAKOTA**  
**PUBLIC SERVICE COMMISSION**

**Basin Cooperative Services**  
**Bond Release No. 8, Permit BCGH-8204**  
**Approval**

**Case No. RC-11-31**

**RELEASE OF BOND**  
**FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS**

**March 21, 2012**

Based on the application for **Bond Release Number 8 for Surface Coal Mining Permit BCGH-8204**, received January 12, 2011 and all information and documentation contained therein, the North Dakota Public Service Commission finds that:

1. Attached to the Application for Release of Bond were copies of all letters sent by the Permittee as required by NDCC §38.14.1-17(1)(b). Affidavits of publication for the advertisement required by NDCC §38.14.1-17(1)(a) have now been filed and have been made part of the Application for Release of Bond. The last date of publication was September 22, 2011.
2. On September 14<sup>th</sup> and 15<sup>th</sup>, 2011, the Commission conducted an inspection and evaluation of the reclamation work involved in this bond release as required by NDCC §38.14.1-17(3). The surface owner, agents, or lessees were given notice of the bond release inspection and had the opportunity to participate with the Commission in conducting the inspection of the bond release areas at the Glenharold Mine.

In accordance with NDCC §38.14.1-17, Bond Release No. 8 for Surface Coal Mining Permit No. BCGH-8204 is hereby granted to Basin Cooperative Services effective April 20, 2012, unless a formal hearing is requested. Release of bond in the amount of \$801,688.23 is approved. The area is described by the attached metes and bounds descriptions and as follows:

**A portion of Section 31, T144N, R84W, in Mercer County,**  
**releasing all reclamation liabilities on 325 acres.**

The decision to release all of the bond on this acreage is made for the following reasons:

Basin Cooperative Services has met the requirements of applicable reclamation laws and rules administered by the Commission for successfully reclaiming 256 acres of disturbed lands that have an industrial postmining land use. The bond release tract also contains 69 acres of land that was not disturbed by mining activities which are part of the industrial area. An

industrial land use for long-term waste disposal activities has been implemented in accordance with the approved reclamation plan and all other applicable reclamation requirements have been satisfied. This area will be used by Basin Electric Power Cooperative for the long-term disposal of coal combustion wastes from the Leland Olds Power Station under a waste disposal permit issued by the North Dakota Department of Health.

**IMPORTANT – PLEASE READ**

1. If bond release has been approved, actual release of bond shall not occur until the effective date of this decision. If a formal hearing is requested on this bond release decision by a person with a valid legal interest or by the head of any state or local government agency with appropriate jurisdiction, the actual release of bond may not occur until after a final decision is issued following the formal hearing. A request for formal hearing by any such person must be filed with the Public Service Commission within 30 days of this bond release decision.
2. If bond release has been disapproved or if you are unsatisfied with the amount of bond approved for release, you have the right to request a formal hearing regarding this decision by filing an application for a hearing with the Public Service Commission within 30 days of the date of this decision.

**PUBLIC SERVICE COMMISSION**

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| <b>Kevin Cramer</b><br>Commissioner   | <b>Tony Clark</b><br>Chairman   | <b>Brian P. Kalk</b><br>Commissioner  |